

REMARKS

This Amendment is submitted response to the official action that issued on March 5, 2008. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 28-34 were pending in the application. In the official action, claims 28-34 were rejected. In this Amendment, claims 28 and 31-34 have been amended. Claims 28-34 thus remain for consideration.

Applicant submits that claims 28-34 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Information Disclosure Statement

The Examiner asserted that the Information Disclosure Statement (IDS) filed on January 16, 2008 failed to comply with 37 C.F.R. §1.98(a)(2) because Applicant did not provide copies of all the listed Japanese Patent documents.

Applicant submits that copies of all the listed Japanese Patent documents, as well as English translations thereof, were provided with the January 16, 2008 IDS. Enclosed herewith is a copy of the Acknowledgement Receipt in which the US PTO acknowledges receipt of the Japanese Patent documents listed in the IDS and receipt of the respective English translations. Also enclosed, for the Examiner's convenience, is a copy of the January 16, 2008 IDS.

Since Applicant provided the appropriate documents at the time of filing the January 16, 2008 IDS, Applicant submits

that the IDS was compliant with 37 C.F.R. §1.98(a)(2) and requests that the documents referred to in the IDS be considered by the Examiner.

§112 Rejections

Claims 32 and 33 were rejected under 35 U.S.C. §112, fourth paragraph, as being improper dependent claims.

Applicant has amended claims 32 and 33 and submits that the amendments render claims 32 and 33 compliant with §112. Accordingly, Applicant requests withdrawal of the §112 rejections.

§103 Rejections

Claims 28-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kidder (U.S. Patent 6,363,413) in view of the alleged "applicant's admitted prior art" (or AAAPA).

Applicant submits that the independent claims (claims 28, 31, and 34) are patentable over Kidder and AAAPA (collectively "the cited references").

Applicant's invention as recited in the independent claims is directed toward a content server, a terminal and a method of distributing content. Each of the claims recites the use of upgrading-data that "indicates the difference between [] data in [a] first format and [] data in [a] target format [which is of a higher quality than the first format]."

Neither of the cited references discloses the quoted recitation. Accordingly, Applicant believes that claims 28, 31, and 34 are patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 29, 30, 32, and 33 are patentable over the cited references for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: July 1, 2008

Respectfully submitted,

By 
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Acknowledgement Receipt


The USPTO has received your submission at **16:00:51** Eastern Time on **16-JAN-2008**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.





eFiled Application Information

EFS ID	2725744
Application Number	10666496
Confirmation Number	8021
Title	Data distribution method, server, and terminal
First Named Inventor	Makoto Akune
Customer Number or Correspondence Address	530
Filed By	Scott Evan Charney
Attorney Docket Number	7217/70907
Filing Date	19-SEP-2003
Receipt Date	16-JAN-2008
Application Type	Utility under 35 USC 111 (a)

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
SONYJP1155_- _Information_Disclosure_Statement_Fillable_PDF.PDF	4	Information Disclosure Statement (IDS) Filed	822683 bytes	 WARNINGS

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JPA_2002-197015_-_SONYJP_30-1020.PDF	6	Foreign Reference	73242 bytes	◆ PASS
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New International Application Filed with the USPTO as a Receiving Office

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